

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *ej* D.C.
05 DEC -9 PM 12: 54
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN MEMPHIS

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

FX TRADE, LLC, et al.,

Defendants.

NO. 04-2181 D/An

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL
DISCOVERY AGAINST DEFENDANT ERNST H. BEHR

Before the Court is Plaintiff's Motion to Compel Discovery Against Defendant Ernst H. Behr filed on October 11, 2005. United States District Judge Bernice B. Donald referred the matter to the United States District Judge for determination.

The Defendant failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2). As such, and for good cause shown, the Motion is **GRANTED**.

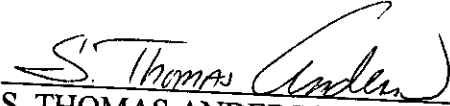
The Plaintiff shall submit an affidavit setting forth the amount of expenses and fees incurred due to the preparation and filing of this Motion within fifteen (15) days from entry of this Order. The Defendant shall have thirty (30) days to respond as to why fees and expenses should not be

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 12/13/05

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allowed.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: December 08, 2005



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This notice confirms a copy of the document docketed as number 179 in case 2:04-CV-02181 was distributed by fax, mail, or direct printing on December 13, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT